

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AMY VELEZ, et al.,

Individually and on Behalf of Others Similarly  
Situated,

Plaintiffs,

-against-

NOVARTIS PHARMACEUTICALS  
CORPORATION,

Defendant.

Case No. 04 Civ. 09194 (CM)

**NOVARTIS PHARMACEUTICALS CORPORATION'S NOTICE OF MOTION IN  
LIMINE TO BAR CERTAIN PLAINTIFF EXPERT TESTIMONY**

Defendant, Novartis Pharmaceuticals Corporation (“NPC”), by its attorneys, moves for an order *in limine* barring Plaintiffs’ expert witnesses Deborah Rhode, James Outtz and David Martin from testifying that NPC’s performance evaluation, pay and promotion policies and practices caused, are likely to cause, foster or result in sex discrimination against NPC’s female sales representatives during the class period for the reasons set forth in NPC’s supporting Memorandum and Appendix.

In addition, NPC moves to exclude any testimony by Plaintiffs’ expert Louis Lanier that (1) NPC’s performance evaluation and promotion policies or practices caused the observed pattern of female representation in the higher level sales representative ranks and (2) that his reported difference between male and female sales representatives in the probability of receiving a “3” performance rating in the “values and behaviors” portion of the annual performance

evaluation had any effect on the pay or promotions received by male and female sales representatives for the reasons set forth in NPC's supporting Memorandum and Appendix.

WHEREFORE, NPC respectfully requests that this Court enter an Order: (a) barring Plaintiffs' expert witnesses Deborah Rhode, James Outtz and David Martin from testifying that NPC's performance evaluation, pay and promotion policies and practices caused, are likely to cause, foster or result in sex discrimination against NPC's female sales representatives during the class period; and (b) excluding any testimony by Plaintiffs' expert Louis Lanier that NPC's performance evaluation and promotion policies or practices caused the observed pattern of female representation in the higher level sales representative ranks and that his reported difference between male and female sales representatives in the probability of receiving a "3" performance rating in the "values and behaviors" portion of the annual performance evaluation had any effect on the pay or promotions received by male and female sales representatives.

Dated: Chicago, Illinois.  
January 29, 2010

Respectfully submitted,

By: /s/ Richard H. Schnadig  
Richard H. Schnadig, Esq. 02495384  
Thomas G. Abram, Esq. 00004405  
Aaron R. Gelb, Esq. 06230930  
Sara J. Kagay, Esq. 06286528  
Elizabeth N. Hall, Esq. 06286976  
222 North LaSalle Street, Suite 2600  
Chicago, Illinois 60601-1003  
(312) 609-7500  
(312) 609-5005

Jonathan A. Wexler  
Vedder Price P.C.  
1633 Broadway  
47th Floor  
New York, New York 10019  
Telephone: (212) 407-7700  
Fax: (212) 407-7799

Attorneys for Defendant  
NOVARTIS PHARMACEUTICALS  
CORPORATION

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that a true and correct copy of the foregoing NOVARTIS PHARMACEUTICALS CORPORATION'S MOTION *IN LIMINE* TO BAR CERTAIN PLAINTIFF EXPERT TESTIMONY was filed electronically and served on the following by depositing same in the United States mail, with proper first-class postage prepaid, on January 29, 2010:

David Sanford  
Katherine Kimpel  
Katherine Leong  
Felicia Medina  
**SANFORD, WITTELS & HEISLER, LLP**  
1666 Connecticut Avenue, N.W., Suite 310  
Washington, DC 20009

Steven Wittels  
Jeremy Heisler  
**SANFORD, WITTELS & HEISLER, LLP**  
1350 Avenue of the Americas, 31st Floor  
New York, NY 10019

Grant Morris  
**LAW OFFICES OF GRANT E. MORRIS, ESQ.**  
1666 Connecticut Avenue, N.W., Suite 310  
Washington, DC 20009

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/s/ Richard H. Schnadig  
Richard H. Schnadig